

SO ORDERED.



1 **TIFFANY & BOSCO**
2 P.A.

3 Dated: January 19, 2010

4 **2525 EAST CAMELBACK ROAD**
5 **SUITE 300**
6 **PHOENIX, ARIZONA 85016**
7 **TELEPHONE: (602) 255-6000**
8 **FACSIMILE: (602) 255-0192**



9 **REDFIELD T. BAUM, SR**
10 **U.S. Bankruptcy Judge**

11 Mark S. Bosco
12 State Bar No. 010167
13 Leonard J. McDonald
14 State Bar No. 014228
15 Attorneys for Movant

16 09-50426/0061091815

17 **IN THE UNITED STATES BANKRUPTCY COURT**
18 **FOR THE DISTRICT OF ARIZONA**

19 **IN RE:**

20 No. 2:09-bk-30337-RTBP

21 Gerald M. McIntyre and Nancy L. McIntyre
22 Debtors.

23 Chapter 7

24 Wells Fargo Bank, N.A.
25 Movant,

26 ORDER

27 vs.

28 (Related to Docket #11)

29 Gerald M. McIntyre and Nancy L. McIntyre,
30 Debtors, William E. Pierce, Trustee.

31 Respondents.

32 Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed
33 Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any,
34 and no objection having been received, and good cause appearing therefore,

35 IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real
2 property which is the subject of a Deed of Trust dated November 30, 2005 and recorded in the office of
3 the Yavapai County Recorder wherein Wells Fargo Bank, N.A. is the current beneficiary and Gerald M.
4 McIntyre and Nancy L. McIntyre have an interest in, further described as:

5 THE FOLLOWING DESCRIBED PROPERTY IN THE COUNTY OF YAVAPAI, STATE OF
6 ARIZONA:

7 LOT 43, PRESCOTT COUNTRY CLUB, ACCORDING TO THE PLAT OF RECORD IN
8 BOOK 13 OF MAPS, PAGE 79, RECORDS OF YAVAPAI COUNTY, ARIZONA.

9 EXCEPT ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM, OR
10 OTHER SUBSTANCES OF A GASEOUS NATURE, COAL METALS, FOSSILS,
11 FERTILIZER OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL
12 URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE
DETERMINED BY THE LAWS OF THE UNITED STATES, OR OF THIS STATE, OR
DECISIONS OF COURT, TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF
FISSIONABLE MATERIAL, WHETHER OR NOT OF COMMERCIAL VALUE AND THE
EXCLUSIVE RIGHT THERETO, ON IN OR UNDER THE ABOVE DESCRIBED LANDS,
SHALL BE AND REMAIN AND ARE HEREBY RESERVED IN AND RETAINED BY THE
STATE OF ARIZONA.

13 APN: 402-16-043

14 IT IS FURTHER ORDERED that Movant may contact the Debtor(s) by telephone or written
15 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
16 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
17 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
18 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

19 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter
20 to which the Debtor may convert.

21
22 DATED this ____ day of _____, 2010.
23
24

25 JUDGE OF THE U.S. BANKRUPTCY COURT
26